

3582,CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Laredo)
CRIMINAL DOCKET FOR CASE #: 5:10-cr-00548-1**

Case title: USA v. Perez et al
Magistrate judge case number: 5:10-mj-00409

Date Filed: 03/16/2010
Date Terminated: 11/04/2010

Assigned to: Judge George P. Kazen

Defendant (1)

Victor Perez
TERMINATED: 11/04/2010

represented by **Andres Aaron Ramos**
State Bar Information
2439 Monarch
Ste 5
Laredo, TX 78045
956-796-9277
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Possess with intnet to distribute a quantity in excess of 5 kilograms of cocaine PENATLY: 10 Yrs to Life and/or \$4 Million Fine, \$100CVF, 5 Yrs TSR
(2)

Disposition

Sentence: 120 months to serve; 5 yrs tsr, usual terms apply; \$5,000.00 fine, within 5 yrs of tsr; \$100 cvf; not commit another crime; not possess firearm or dangerous weapon; dna sample; drug/alco treatment in tsr and bop; waived appeal. Sentence modified by Court order on 1/5/15: 98 months

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute a quantity in excess of 5 kilograms of cocaine PENATLY: 10 Yrs to Life and/or \$4 Million Fine, \$100CVF, 5 Yrs TSR
(1)

Disposition

DISMISSED ON GVT'S ORAL MOTION

Highest Offense Level (Terminated)

Felony

Complaints

21:841A=CD.F--- COCAINE -
CONSPIRE - POSSESS WITH
INTENT TO DISTRIBUTE

Disposition**Plaintiff**

USA

represented by **Alfredo Perez de la Rosa , Jr.**

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Date Filed	#	Docket Text
02/22/2010	<u>1</u>	COMPLAINT as to Victor Perez (1), Ruben DeLeon (2), filed. (WEBB) (icontreras,) (sgonzalez,). (Additional attachment(s) added on 2/23/2010: # <u>1</u> unredacted complaint) (sgonzalez,). [5:10-mj-00409] (Entered: 02/22/2010)
02/22/2010	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge J. Scott Hacker: INITIAL APPEARANCE as to Victor Perez, (Deft informed of rights) held on 2/22/2010. Financial Affidavit executed. Defendant retained counsel-Andres Ramos (present in courtroom); Defendant advised Court of medical condition (s) or need(s) Bond set as to Victor Perez (1) \$200,000.00 c/s(Preliminary Hearing set for 3/8/2010 at 10:00 AM in Courtroom 2B before Magistrate Judge J. Scott Hacker.) Appearances:Thomas Calhoun-Lopez, AUSA; Nancy Lopez, PTSO; Andres Ramos, (retained) f/Deft; Mike Suh, USM.(ERO:Sylvia Gonzalez) (Interpreter:Felipe Perez (not used)) Deft remanded to custody., filed.(sgonzalez) [5:10-mj-00409] (Entered: 02/23/2010)
02/22/2010	<u>3</u>	Sealed Financial Affidavit CJA 23 by Victor Perez, filed. [5:10-mj-00409] (Entered: 02/23/2010)
02/25/2010	<u>7</u>	ORDER as to Victor Perez. The Court hereby orders that the deft's bond set at \$75,000.00 cash/surety remain as initially set by the Court.(Signed by Magistrate Judge J. Scott Hacker) Parties notified. (mibarra) [5:10-mj-00409] (Entered: 02/25/2010)
02/25/2010	<u>8</u>	Pretrial Services Report (Sealed) as to Victor Perez, filed. (bhinojosa,) [5:10-mj-00409] (Entered: 02/25/2010)

03/05/2010	<u>12</u>	NOTICE OF RESETTING as to Victor Perez. Preliminary Hearing set for 3/8/2010 at 10:00 AM in Courtroom 2C before Magistrate Judge Diana Saldana., filed. (isanchez) [5:10-mj-00409] (Entered: 03/05/2010)
03/08/2010	<u>14</u>	WAIVER of Preliminary Hearing by Victor Perez, filed.(dgonzalez) [5:10-mj-00409] (Entered: 03/09/2010)
03/16/2010		**Terminate Deadlines and Hearings as to Victor Perez: (sgonzalez) [5:10-mj-00409] (Entered: 03/16/2010)
03/16/2010	<u>15</u>	INDICTMENT(Laredo)(The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Victor Perez (1) count(s) 1, 2, Ruben DeLeon (2) count(s) 1, 2, filed. (jluna) (Entered: 03/17/2010)
03/17/2010	<u>16</u>	NOTICE OF SETTING as to Victor Perez. Arraignment set for 3/25/2010 at 11:00 AM in Courtroom 2C before Magistrate Judge Diana Saldana, filed. (jluna) (Entered: 03/17/2010)
03/18/2010		US ATTORNEY'S NOTICE OF APPEARANCE. Roberto F Ramirez appearing for USA, filed.(Ramirez, Roberto) (Entered: 03/18/2010)
03/22/2010	<u>18</u>	WAIVER of Presence at Arraignment and Entry of Plea of Not Guilty, filed. (Ramos, Andres) (Entered: 03/22/2010)
03/23/2010	<u>19</u>	ORDER as to Victor Perez accepting Deft's Written Waiver of Arraignment. <u>18</u> WAIVER of Presence at Arraignment and Entry of Plea of Not Guilty. (Signed by Magistrate Judge Diana Saldana) Parties notified. (mibarra) (Entered: 03/23/2010)
03/23/2010	<u>20</u>	SCHEDULING ORDER as to Victor Perez. Dispositive Motion Filing due by 4/5/2010 by 10:00 AM. Pretrial Conference set for 5/11/2010 at 09:00 AM in Courtroom 2C before Magistrate Judge Diana Saldana. Jury Selection set for 5/17/2010 at 09:00 AM in Courtroom 3A before Judge George P. Kazen. (Signed by Magistrate Judge Diana Saldana) Parties notified. (mibarra) (Entered: 03/23/2010)
04/15/2010	<u>23</u>	NOTICE OF RESETTING as to Victor Perez. Pretrial Conference set for 5/11/2010 at 01:30 PM in Courtroom 2C before Magistrate Judge Diana Saldana, filed. (mibarra) (Entered: 04/15/2010)
05/11/2010	<u>27</u>	SEALED MOTION as to Victor Perez, Ruben DeLeon, filed. (Attachments: # <u>1</u> Proposed Order)(Ramos, Andres) Modified on 5/14/2010 (mmarquez). (Entered: 05/11/2010)
05/11/2010		Minute Entry for proceedings held before Magistrate Judge Diana Saldana: RE-ARRAIGNMENT held on 5/11/2010. Victor Perez (1) Guilty Count 2. Consent to plea filed. Written plea agreement/written factual basis filed. Plea agreement addendum filed. PSR due 06/16/10. (227-313) Appearances:AUSA Robert Ramirez f/govt; Andres Ramos f/deft; USPO: Ramon Mendiola, Amy Valdez; USM: Roxanne Ponce.(ERO:Mario Luna) (Interpreter:Elsa Aguilar (not used) Deft remanded to custody, filed.(isanchez) (Entered: 05/11/2010)
05/11/2010	<u>31</u>	

		Consent to Administration of Guilty Plea and Fed.R.Crim.P. 11 Allocution by United States Magistrate Judge by Victor Perez, filed.(mmarquez) (Entered: 05/13/2010)
05/11/2010	<u>34</u>	PLEA AGREEMENT as to Victor Perez, filed. (mmarquez) (Entered: 05/17/2010)
05/11/2010	<u>35</u>	ADDENDUM to <u>34</u> Plea Agreement as to Victor Perez, filed.(mmarquez) (Entered: 05/17/2010)
05/11/2010	<u>36</u>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Victor Perez. PSI Completion due by 6/16/2010.(Signed by Magistrate Judge Diana Saldana) Parties notified. (mmarquez) (Entered: 05/17/2010)
05/12/2010	<u>29</u>	Sealed Event, filed. (With attachments) (Entered: 05/12/2010)
05/12/2010	<u>32</u>	Sealed U. S. Pretrial Services Memorandum as to Victor Perez, filed. Modified on 5/14/2010 (nortiz). (Entered: 05/14/2010)
05/13/2010	<u>33</u>	Sealed Order, filed. (Entered: 05/14/2010)
05/13/2010	<u>42</u>	REPORT AND RECOMMENDATIONS as to Victor Perez Objections to R&R due by 5/27/2010.(Signed by Magistrate Judge Diana Saldana) Parties notified. (mmarquez) (Entered: 05/20/2010)
06/02/2010	<u>43</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS as to Victor Perez re: <u>42</u> Report and Recommendations.(Signed by Judge George P. Kazen) Parties notified. (bmendoza,) (Entered: 06/03/2010)
08/04/2010	<u>46</u>	Final Presentence Investigation Report (Sealed) as to Victor Perez, filed. (esantos,) (Entered: 08/04/2010)
08/04/2010	<u>47</u>	Confidential Sentencing Recommendation(Sealed) regarding Victor Perez, filed. (esantos,) (Entered: 08/04/2010)
08/04/2010	<u>48</u>	Sealed Addendum to <u>46</u> Final Presentence Investigation Report (Sealed) as to Victor Perez, filed. (esantos,) (Entered: 08/04/2010)
09/02/2010	<u>52</u>	Final Revised Presentence Investigation Report (Sealed) as to Victor Perez, filed. (rguevara,) (Entered: 09/02/2010)
09/02/2010	<u>53</u>	Confidential Revised Sentencing Recommendation(Sealed) regarding Victor Perez, filed. (rguevara,) (Entered: 09/02/2010)
09/02/2010	<u>54</u>	Sealed Supplemental Addendum to <u>52</u> Final Presentence Investigation Report (Sealed) as to Victor Perez, filed. (rguevara,) (Entered: 09/02/2010)
10/13/2010	<u>55</u>	NOTICE OF SETTING as to Victor Perez. Sentencing set for 11/4/2010 at 02:00 PM in Courtroom 2A before Senior Judge Tom Stagg, filed. (vcaballero,) (Entered: 10/13/2010)
11/03/2010	<u>57</u>	Supplemental Sealed Addendum to <u>52</u> Final Presentence Investigation Report (Sealed) as to Victor Perez, filed. (egutierrez,) (Entered: 11/03/2010)
11/04/2010		

		Case as to Victor Perez, Ruben DeLeon reassigned to Senior Judge Tom Stagg. Judge George P. Kazen no longer assigned to the case. (dgonzalez) (Entered: 11/04/2010)
11/04/2010		Minute Entry for proceedings held before Senior Judge Tom Stagg: Sentencing held on 11/4/2010 for Victor Perez (1), Count(s) 2. Deft was given allocution. Sentence: 120 months to serve; 5 yrs tsr, usual terms apply; \$5,000.00 fine, within 5 yrs of tsr; \$100 cvf; not commit another crime; not possess firearm or dangerous weapon; dna sample; drug/alco treatment in tsr and bop; waived appeal. Remaining count(s) dismissed on Gvt's oral motion. Appearances: Sonah Lee f/Gvt; Andres Ramos f/Dft; USPO Linda Wright-Bailey; USM: Carlos Flores/Orlando Luna; [Time: 4:34-4:52pm]. (Court Reporter: Julie Verastegui) (Interpreter: Ina Pool / Mariana Rios - not used) Deft remanded to custody, filed. (dgonzalez) (Entered: 11/04/2010)
11/04/2010		Case as to Victor Perez, Ruben DeLeon reassigned to Judge George P. Kazen. Senior Judge Tom Stagg no longer assigned to the case. (dgonzalez) (Entered: 12/03/2010)
11/15/2010	66	JUDGMENT as to Victor Perez. (Signed by Senior Judge Tom Stagg) Parties notified. (dgonzalez) (Entered: 11/19/2010)
11/15/2010	67	Statement of Reasons (Sealed) as to Victor Perez, filed. (Entered: 11/19/2010)
11/19/2014	104	MOTION for Reduction of Sentence Pursuant to 18 USC 3582 and Retroactive Amendment 782, USSG by Victor Perez, filed. (Attachments: # 1 Sentence Monitoring)(mmarquez, 5) (Entered: 11/19/2014)
12/01/2014		US ATTORNEY'S NOTICE OF APPEARANCE. Alfredo Perez de la Rosa, Jr appearing for USA, filed. (de la Rosa, Alfredo) (Entered: 12/01/2014)
12/12/2014	105	Sealed Retro Supplemental Addendum to 52 Final Presentence Investigation Report (Sealed) as to Victor Perez, filed. (rguevara, 5) (Entered: 12/12/2014)
01/05/2015	106	ORDER Reducing Sentence - USSC Amendment as to Victor Perez (1), Count (s) 2. Sentence reduced to 98 months. (Signed by Judge George P. Kazen) Parties notified. (dgonzalez, 5) (Additional attachment(s) added on 1/7/2015: # 1 SOR) (dgonzalez, 5). (Entered: 01/07/2015)
01/26/2015	108	MAIL RETURNED UNDELIVERABLE re: 106 sent to Victor Perez, filed. (mxperez, 5) (Entered: 01/27/2015)

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Transaction Receipt			
12/06/2017 10:27:42			
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Description:	Docket Report	Search Criteria:	5:10-cr-00548
Billable Pages:	5	Cost:	0.50

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
FILED

MAR 16 2010

CLERK OF COURT
LAREDO DIVISION

UNITED STATES OF AMERICA

v.

VICTOR PEREZ
RUBEN DELEON

§
§
§
§
§
§

CRIMINAL NO. **L-10-0548**

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about August 1, 2009, to on or about February 19, 2010, in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**VICTOR PEREZ and,
RUBEN DELEON,**

did knowingly and intentionally conspire and agree with each and with other persons known and unknown to the Grand Jurors to knowingly and intentionally possess with intent to distribute a controlled substance. This offense involves a quantity in excess of 5 kilograms of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

COUNT TWO

On or about February 19, 2010, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, **Defendants,**

**VICTOR PEREZ and,
RUBEN DELEON,**

did knowingly and intentionally possess with intent to distribute a controlled substance. This offense involves a quantity in excess of 5 kilograms of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

A TRUE BILL:

< **ORIGINAL SIGNATURE
ON FILE**

JOSÉ ANGEL MORENO
UNITED STATES ATTORNEY



ROBERTO RAMIREZ
Assistant United States Attorney

GP**K**

USA-74-24b
(Rev. 6-1-71)

L-10-0548

LAREDO DIVISION

CRIMINAL DOCKET

NO. _____

FILE:10-03214 L-10-0409M

MAR 16 2010

INDICTMENT

Filed: _____ Judge: _____

UNITED STATES OF AMERICA

ATTORNEYS:

JOSÉ ANGEL MORENO, USA

VS

ROBERTO RAMIREZ, AUSA

Appt'd Private

VICTOR PEREZ

RUBEN DELEON

GPK

CHARGE: Ct.1:Conspiracy to possess with intent to distribute a quantity in
(TOTAL) excess of 5 kilograms of cocaine[21 USC 846, 841(a)(1) & 841(b)(1)(A)]
(COUNTS:)Ct.2:Possess with intent to distribute a quantity in excess of
(2) 5 kilograms of cocaine
[21 USC 841(a)(1) & 841(b)(1)(A) & 18 USC 2]

PENALTY:

Cts: 1-2

10 Yrs. to Life and/or \$4 MILLION, \$100 Spec Assessments
5 YRS MIN, 5 YRS MAX TERM OF SUPERVISED RELEASE

In Jail:

NAME & ADDRESS

On Bond:

of Surety:

No Arrest:

PROCEEDINGS:

United States District Court
Southern District of Texas
RECEIVED

NOV 15 2010

United States District Court

Southern District of Texas

Holding Session in Laredo

David J. Bradley, Clerk
Laredo Division

United States of America

V.

VICTOR PEREZ

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: **5:10CR00548-001**

USM NUMBER: 32176-279

Andres Aaron Ramos

Defendant's Attorney

☐ See Additional Aliases.

THE DEFENDANT:

☒ pleaded guilty to count(s) Two on May 11, 2010

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 18 U.S.C. § 2	Possession with intent to distribute in excess of 5 kilograms of cocaine, a Schedule II controlled substance	02/19/2010	Two

☐ See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) One ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 4, 2010

Date of Imposition of Judgment

Tom Stagg
Signature of Judge

TOM STAGG

SENIOR UNITED STATES DISTRICT JUDGE

Name and Title of Judge

11/9/10
Date

DEFENDANT: **VICTOR PEREZ**
CASE NUMBER: **5:10CR00548-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 120 months.

The defendant waived the right to appeal the sentence.

- ☐ See Additional Imprisonment Terms.
- ☒ The court makes the following recommendations to the Bureau of Prisons:
That the defendant participate in a comprehensive drug treatment program while incarcerated.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

DEFENDANT: **VICTOR PEREZ**
CASE NUMBER: **5:10CR00548-001**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years.

☐ See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. *(for offenses committed on or after September 13, 1994)*

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

☒ See Special Conditions of Supervision.

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **VICTOR PEREZ**
CASE NUMBER: **5:10CR00548-001**

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further, the defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to drug-detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the probation officer.

DEFENDANT: **VICTOR PEREZ**
CASE NUMBER: **5:10CR00548-001**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100	\$5,000	

- ☐ See Additional Terms for Criminal Monetary Penalties.
- ☐ The determination of restitution is deferred until _____. *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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- ☐ See Additional Restitution Payees.

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☒ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **VICTOR PEREZ**
 CASE NUMBER: **5:10CR00548-001**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
 ☐ not later than _____, or
 ☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ days after the date of this judgment; or
- D ☐ Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ days after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
 Balance due within the first five years of supervised release. Make all payments payable to: U.S. District Clerk, 1300 Victoria, Ste. 1131, Laredo, TX 78040.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	<u>Total Amount</u>	<u>Joint and Several Amount</u>	<u>Corresponding Payee, if appropriate</u>
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☐ See Additional Defendants and Co-Defendants Held Joint and Several.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

☐ See Additional Forfeited Property.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
FILED
NOV 19 2014
David J. Bradley, Clerk
Laredo Division
DMG

UNITED STATES OF AMERICA,)

Plaintiff)

v.)

No. 5:10CR00548-001

VICTOR ARTURO PÉREZ AGUIAR)

Defendant)

DEFENDANT'S MOTION FOR A REDUCTION OF SENTENCE PURSUANT TO
18 U.S.C. §3582 AND RETROACTIVE AMENDMENT 782, U.S.S.G

COMES NOW VICTOR ARTURO PÉREZ AGUIAR, pro se, the Defendant in the captioned cause, moves the Court, pursuant to 18 U.S.C. §3582, Sentencing Guidelines §1B1.10 and Amendment 782, to enter its Order reducing defendant's sentence of 120 months imposed in this cause on November 4, 2010, and in connection with this Motion for a Reduction of Sentence, respectfully shows the Court as follows:

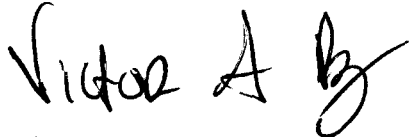
1. On November 4, 2010, this Court originally imposed a sentence of 120 months on the defendant herein following his conviction of the crime of 21:841 (A)(1) & (B)(1)(A), possession of a controlled substance with intent to distribute. The Court also imposed a five year term of supervised release.

2. Since the date the sentence was initially imposed as aforesaid, there have been no modifications of the sentence.
3. This Court has the jurisdiction and authority to hear and consider this motion in that the provisions of 18 U.S.C. §3582 (c) (2) gives this Court the authority to reduce a previously imposed sentence when the United States Sentencing Commission lowers the applicable guideline range for an offense pursuant to its statutory authority under 28 U.S.C. §994 (o), and then utilizes its authority under 28 U.S.C. §994 (u) to make the reduced guideline range retroactively applicable to cases that were sentenced under the harsher guideline in force at the time the original sentence was imposed.
4. The United States Sentencing Commission lowered the applicable guideline range for drug offenses by two levels and made the reductions retroactive. The amended guideline range became effective on November 1, 2014.
5. Defendant is eligible for the reduction in sentence because he meets the qualifications for a reduction in sentence. The provisions of 18 U.S.C. §3582 (c) provide, in relevant part: “In the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. §994 (o), upon motion of the defendant ... the court may reduce the term of imprisonment after considering the factors set forth in section §3553 (a) to the extent they are applicable, if such reduction is consistent with applicable policy statements issued by the Sentencing Commission.”
6. Defendant has no history of violence and no criminal history. Defendant was sentenced by this Court in Criminal History Category I, Offense Level 33. In accordance with Amendment 782, defendant is now eligible for Offense Level 31.

7. The reduction of the defendant's offense level by two levels and a sentence based upon the new guideline range for the offense will fully comply with the sentencing factors set forth in 18 U.S.C. §3553 (a), and will be consistent with policy statement §1B1.10, which provides that courts have discretion in determining whether, and to what extent, to reduce a sentence for any person eligible to be considered for retroactive application of an amended Guideline. Courts may also consider a defendant's conduct while incarcerated. U.S.S.G §1B1.10, comment (n.1).
8. Defendant's post-sentencing conduct while in the custody of the Federal Bureau of Prisons has been exemplary. Defendant has had no sanctioned incidents and has made extensive progress towards his rehabilitation. (documentation attached) Defendant has successfully completed the Drug Education Program, and the Non-Residential Drug and Alcohol Treatment Program. Defendant also successfully earned a Technical Certificate from East Arkansas Community College in Computer Aided Drafting, and 35 transferable college credit hours. In addition, defendant has completed 309 hours of Release Preparation Programming and Adult Continuing Education programming. Defendant is currently enrolled in the following educational programming; Chess Fundamentals I and Spiritual Memoir Anthology. Defendant is employed with the BOP's Education Department and volunteers as a Spanish instructor for an Adult Continuing Education program. Defendant has developed a reentry plan and secured multiple employment opportunities that will be available upon his release.

WHEREFORE, for the foregoing reasons, Defendant prays an Order of this Court reducing the sentence of 120 months imposed on November 4, 2010, as authorized by the United States Sentencing Commission's action in reducing the guideline range for all drug offenses by two (2) levels, and in accordance with Amendment 782.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victor A. By". The signature is stylized with a large "V" and a long, sweeping underline.

Victor Arturo Pérez Aguilar

Reg. No. 32176-279

FCC Forrest City, Camp

P.O. Box 8000

Forrest City, Arkansas 72336-8000

Defendant, pro se

CERTIFICATE OF SERVICE

This is to certify the undersigned did mail a true and correct copy of the foregoing;

DEFENDANT'S MOTION FOR A REDUCTION OF SENTENCE

To:

United States Attorney
U.S. Courthouse, Southern District Of Texas
319 Federal Building
1300 Victoria St.
Laredo, TX 78040

by first-class mail, in an envelope addressed as aforesaid, with sufficient first-class postage, prepaid and affixed thereto, and by depositing the same in the mail receptacle provided for inmate use in mailing legal materials from the Federal Correctional Complex, Camp, at Forrest City, Arkansas, on this 10th day of November, 2014.

Victor Arturo Pérez Aguiar

United States District Court
Southern District of Texas
RECEIVED

NOV 19 2014 SCG
-sarah J. Bradley, Clerk
Laredo Division

↔ 32176-279 ↔
District Clerk
Southern District of Texas
1300 Victoria ST
319 Federal Building
Laredo, TX 78040
United States

Victor Perez
32176-279
Federal Prison Camp
P.O. Box 8000
Forrest City, AR 72336

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States District Court
Southern District of Texas
FII FN

JAN - 5 2015

David J. Bradley, Clerk
Laredo Division

United States of America

v.

Victor Perez

Case No: 5:10-CR-548-1

USM No: 32176-279

Date of Original Judgment: 11/04/2010

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

Andres Aaron Ramos

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 98 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 11/04/2010 shall remain in effect.

IT IS SO ORDERED.

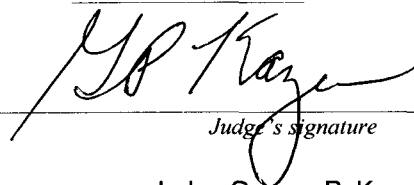
Order Date:

1/5/15

Effective Date:

11/01/2015

(if different from order date)



Judge's signature

Judge George P. Kazen

Printed name and title